IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NOS. 10, 12 AND 13 OF 2004.

Babu Shaik, Central Jail,
Aguada, Goa. ... Petitioner.

Versus

1. Shri G.S. Porob, Asst.
   Superintendent, Central
   Jail, Aguada, Goa.
2. State of Goa. ... Respondents.

Petitioner in person in all Petitions.

Mr. S.N. Sardessai, Public Prosecutor for the
Respondents in all Petitions.

Coram : P.V. HARDAS AND
D.G. KARNIK, JJ.

Date : 12th April 2004.

ORAL JUDGMENT (PER HARDAS, J.)

These petitions filed by the petitioner through Jail, are being decided by this common Judgment. The petitioner had requested for appointment of an advocate to represent him before this court in these petitions and, accordingly, a counsel from the Legal Aid Panel had been appointed. However, the petitioner stated that he would argue the matter himself and, accordingly, the counsel appointed to represent the petitioner was discharged. The petitioner, who was present in person in the Court, has been heard.

2. The facts in Criminal Writ Petition No. 10 of 2004 and Criminal Writ Petition No. 13 of 2004 are identical. In fact, the petitioner had addressed a

letter, which was registered as Criminal Writ Petition No. 10 of 2004. The petitioner has alleged in this petition that the Jailer by name G.S. Porob had provided liquor to a fellow prisoner on payment of Rs. 500/-. Since the petitioner could not afford to give Rs. 500/- to the Jailer Shri Porob, the petitioner was not provided liquor. The petitioner had informed the Jailer that he would be complaining to the Inspector General of Prisons. The petitioner has also alleged that the petitioner had been arrested for offences punishable under Sections 353 and 504 of the Indian Penal Code on the complaint of the Jailer Shri Porob. The petitioner has also filed a copy of the Judgment rendered by the Judicial Magistrate, First Class, Panaji, acquitting the petitioner. According to the petitioner, as a sequel to his complaints and may be as a sequel to his acquittal, the petitioner is being harassed by the Jailer Shri Porob. The petitioner has complained that on 29th September 2001 in the evening he was assaulted by Jailer Shri Porob. The petitioner has alleged that a fellow prisoner was also assaulted, who had lodged a complaint regarding the assault with the Calangute Police Station. The petitioner, it appears, has complained about the assault to the Superintendent of Jail with a request for holding an inquiry. The petitioner also states that he has not been employed in the paper bag unit on account of the objection taken by

the Assistant Superintendent Shri G.S. Porob. The petitioner then states about the information conveyed to him by various other undertrial prisoners regarding harassment by Shri Porob.

3. On notice the respondents have filed the affidavit of Assistant Superintendent of Central Jail, Shri Gajanan S. Parab. In the affidavit the incident of supplying liquor to an undertrial prisoner is denied. It is also denied that the petitioner is being harassed. The incident of assault on the petitioner and the other undertrial prisoner during the surprise check is also denied. In the affidavit it is stated that the petitioner had requested for being employed in the paper bag unit situated in the carpentry workshop, which is away from the Central Jail and outside the main gate. After obtaining Orders from the Superintendent of Jail, the petitioner was employed in the paper bag unit. However, on the same day the petitioner quarrelled with the other prisoners in the paper bag unit and the other prisoners stated that the petitioner should not be employed in the same unit or they would not work. Accordingly, the petitioner was not employed in the paper bag making unit. The paper bag making unit was shifted inside the prison and the petitioner was asked to go for work there but the petitioner refused. Reliable information had been received that the

petitioner was attempting to effect his escape from the paper bag unit, which was then situated outside. The affidavit denies the instances stated by the petitioner alleged to have been conveyed to him by the other undertrial prisoners. It is stated in the affidavit that the petitioner is undergoing sentence for offences punishable under Sections 376 and 395 of the Indian Penal Code. The petitioner had tried to escape from Central Jail, Aguada. The petitioner is always quarrelling and abusing other prisoners and there are always complaints against him. The petitioner is also facing an offence punishable under Section 302 of the Indian Penal Code as an undertrial in the Court of the Metropolitan Magistrate at Hyderabad.

4. From the perusal of the affidavit there does not seem to be any genuine grievance which needs to be investigated by this Court. The instances alleged are stale and the petitioner has an adequate remedy of lodging his complaint before the authorities, who can verify and decide the same. In respect of his grievance of not being employed in the paper bag making unit, the petitioner is at liberty to file the necessary application to the Works Assignment Committee. If the petitioner makes such an application, the said Committee may decide it on its merits.

5. Criminal Writ Petition No. 13 of 2004 states that the petitioner had sent a letter, which was registered as Criminal Writ Petition No. 12 of 2004 and a letter is being sent as a reminder, which is registered as Criminal Writ Petition No. 13 of 2004. In this petition the petitioner has alleged that he is not being provided with certain medicines and a grievance is made that the Assistant Superintendent is not permitting letters/representations being sent to the High Court. The petitioner has alleged that he was assaulted by the Jail Guards and he was, therefore, admitted in the hospital.

6. In the affidavit it is stated that the petitioner had attempted to escape on 1st December 2000 by jumping from the window of the dispensary and had, thus, dislocated his ankle. Alongwith the affidavit a list of medicines that have been supplied to the petitioner has been annexed.

7. In Criminal Writ Petition No. 12 of 2004, the petitioner has also made a grievance that he has not been supplied the medicines as prescribed by the doctor. In the affidavit which is filed, this statement is denied.

8. The respondents are directed to punctually

provide medicines to the petitioner as prescribed by the Government Doctors. If any representation is submitted to the Superintendent of Prisons for being forwarded to the High Court, the same should be dispatched immediately to the Registrar for being placed for Orders before the Court. The Authorities cannot refuse to accept representations nor can they refuse to forward any representation of a prisoner to the High Court.

9. With these directions the three Criminal Writ Petitions filed by the petitioner are disposed of. In the circumstances, there shall be no order as to costs. Since the petitioner is in Jail, copy of this Judgment be sent to the petitioner.

(P.V. HARDAS)
JUDGE.

(D.G. KARNIK)
JUDGE.

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